

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20253Application 26517 of Pacific Gas and Electric Company77 Beale Street, San Francisco, California 94106filed on September 4, 1980, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

North Fork of North Fork
(1) American River(2 & 3) Bear River(4) Dry Creek

Tributary to:

North Fork American RiverFeather RiverCoon Creek thenceEast Side Canal thenceNatomas Cross Canal thence
Sacramento River

2. Location of point of diversion:

SEE ADDENDUM A40-acre subdivision
of public land survey
or projection thereof

Section

Town-
ship

Range

Base
and
MeridianCounty of Placer

3. Purpose of use:

SEE ADDENDUM B

4. Place of use:

Section

Town-
ship

Range

Base
and
Meridian

Acres

The place of use is shown on map filed with the State Water Resources Control Board.

ADDENDUM A

[illegible]

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 42 cubic feet per second to be diverted from November 1 of each year to June 1 of the succeeding year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)
8. Construction work shall be completed by December 31, 1991. (0000008)
9. Complete application of the water to the authorized use shall be made by December 31, 1992. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. During the season specified in this permit, the rate of water diverted and used from the North Fork of North Fork American River under this permit and under permittee's claimed pre-1914 right for the places of use specified in the permit shall not exceed the rate of diversion and use specified in this permit. If the permittee's claimed pre-1914 right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the rate of diversion and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed pre-1914 right for a place of use covered by this permit to another place of use without the prior approval of the Board.

Permittee shall take and use water under the pre-1914 right claimed by permittee only in accordance with law.

(0000021)

15. This permit shall not be construed as conferring upon the permittee right of access to the conduit or the place of use at Newcastle Powerhouse.

(0000022)

16. Permittee shall comply with the following provisions which are derived from the agreement between permittee and the California Department of Fish and Game executed on July 30, 1985 and filed with the State Water Resources Control Board:

- (1) Permittee shall study conditions in the Wise Canal spill channel after construction on Fiddler Green Powerhouse to determine, in cooperation with the California Department of Fish and Game, what streamflow release is reasonable and appropriate to ensure protection of the riparian vegetation.
- (2) Permittee shall continue its present operating practices for Lake Valley Reservoir.
- (3) Permittee shall conduct fish population sampling in the vicinity of the Lake Valley Canal Diversion Dam to assess whether or not significant numbers of fish are being diverted into the Lake Valley Canal. If it appears that significant numbers of fish are being diverted into the canal, then permittee shall evaluate the feasibility and effectiveness of installing a velocity cap or other acceptable device at the Lake Valley Canal Intake.
- (4) Permittee shall provide a fish water release of 3 cubic feet per second from June 1 through September 30 and 1 cubic foot per second from October 1 through May 31 to the North Fork of North Fork American River below the Lake Valley Canal Diversion Dam. Permittee and the California Department of Fish and Game shall negotiate an acceptable dry year release.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. (0000024)

17. Permittee shall, by August 1, 1988, install a measuring device at the Lake Valley Canal Diversion Dam, satisfactory to the State Water Resources Control Board, which is capable of measuring a bypass flow of up to 3 cubic feet per second. Said measuring device shall be properly maintained.

(0060062)

18. Permittee shall maintain the following records and shall furnish the State Water Resources Control Board a copy annually, to be supplied with the next progress report submitted to the Board by permittee:

- (1) End of week storage at Lake Valley Reservoir;
- (2) Daily flow in the Lake Valley Canal; and
- (3) Daily minimum bypass flow below the Lake Valley Canal Diversion Dam.

(0580300)

19. Permittee shall, prior to construction, file a Report of Waste Discharge pursuant to Water Code Section 13260 with the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, the permittee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.

Specific requirements set forth in this permit shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.

When complying with the Guidelines, pursuant to this condition, the permittee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operations, the permittee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan. (0000102)

20. Permittee shall keep to minimum any clearing operations necessary for construction of penstocks, creation of laydown areas, or improvement of existing access roads. (0400300)

21. Permittee shall revegetate cleared areas with plant species suitable for soil stabilization as soon as possible after construction. Potential plant species for use in revegetation include: Intermediate Wheatgrass (Agropyron intermedium), Pubescent Wheatgrass (A. trichophorum), Manhattan Perennial Ryegrass (Lolium perenne), Medium Red Clover (Trifolium fragiferum), Ceanothus (Ceanothus cordulatus), Snowbrush (C. velutinus), Deerbrush (C. integerrimus), Bitter Cherry (Prunus emarginata), and Willow (Salix sp.). The actual seed mixture used shall depend on aesthetic and erosion control concerns in the proposed project impact area. Where necessary, permittee shall use straw mulch to aid soil stabilization. (0400300)

22. During construction of the project, permittee shall use the best standard engineering methods and practices available to minimize water quality impacts from site drainage and buried pipe installation. (0400300)

23. Permittee shall use suspended solids removal methods, such as settling ponds, to minimize discharge of turbid water to receiving waters if turbid waters are produced by the project. (0400300)

24. Permittee shall handle toxic materials in a careful and proper manner to minimize the potential for spills. (0400300)

25. In the event that archaeological remains are found during construction, permittee shall temporarily halt work in the vicinity of the find until a qualified archaeologist can evaluate its significance. Reasonable mitigation measures to protect the find shall be undertaken by the permittee as required by the archeologist. (0380500)

26. Permittee shall not make any diversions pursuant to this permit after the date on which the construction of Auburn Dam and Powerplant are completed unless such diversions are in compliance with an agreement between permittee and the United States Bureau of Reclamation resolving any conflict between this permit and United States Bureau of Reclamation Permits 16210 and 16211. (0350800)

27. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletions resulting from future upstream appropriation for domestic and stockwatering uses within the watershed. Such rights and privileges under this permit may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications. (000I001)

28. No construction shall be commenced and no water shall be used under this permit until all necessary federal, state and local approvals have been obtained, including compliance with any applicable Federal Energy Regulatory Commission requirements.

(000J001)

29. The State Water Resources Control Board reserves jurisdiction in the public interest to modify the terms and conditions of this permit, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, as a result of studies to be conducted or in the event of unforeseen adverse impacts to fish or wildlife. Board action will be taken only after notice to interested parties and opportunity for hearing.

(000M001)

30. Permittee shall not divert any water which is adverse to the full exercise of Placer County Water Agency's water rights under Permit 13856 and 13858 (Application 18085 and 18087 respectively).

(0160800)

31. Water diverted under this permit is for nonconsumptive use and is to be released to Mormon Ravine tributary to North Fork American River within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, T11N, R8E, MDB&M.

(0000111)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUGUST 03 1988

STATE WATER RESOURCES CONTROL BOARD

Walter G. Pettus
Chief, Division of Water Rights